G.R.S. 1A—5]

Previous references 1922-3 (Mur) **File No.** 266-22

Serial Nos. 1-8

Reserve

Later references Mis 134-23

Proceg 36-24-1-2
" 266-22-9-10
" 4-25
1919-25 " 10

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-8

Part B for May 1923

SUBJECT

Civil suit in respect of the possession of S. Nos 174 & 177 of Bommidyana Vale, Maganangala Tal endowed to Jamadagnisvara temple.

Where there is a conflict bet. Sec 14 of the Mys. Regn & sec 11 of the alienation rules of 1877, the matter shd be decided in accordance with the latter

Printed on the Multigraph.

GENERAL AND REVENUE SECRETARIAT.

(Inamdar)

NOTES.

File No. [illegible]

FILE HEADING.

Civil Suit proposed to be filed in respect of the Mysore Dy. Comrs. order dispossessing Kesavangar of Bindiganavale, Nagamangala Taluk, of inam S. nos. 174 and 177 awarded to Gandana Devam temple at the place.

From

The Inamdar Commissioner in Mysore.

C No. 446 Dated 14. 12. 1922 Received 16. 12. 1922

Diary No.	Enclos. 1 & 2 Spare Copies. –	Serial No.
13812		1

BRIEF ABSTRACT OF LETTER.

Reports that he has called for the Govt Advocate's opinion on the matter, and suggests the desirability of amending, if not deleting sec 14 of the Inam. Regn, may be considered, as it is in

NOTES AND ORDERS.

conflict with the provisions of the inam Rules of 1877 relating to the alienation of Devadaya inam land.

9 The office-note is to be treated as an enclosure to the Inamdar Commissioner's

G. E. S. III-2.

General and Revenue Secretariat.

File No. 66 of 19 22

Serial No.

Communication under acknowledgement explaining the facts of the case fully.

2 Submits for orders.

16/12/22. 3. There seems nothing further now for Govt to do in this matter. The Mun. Comr. has already written & the Govt Advocate whose opinion is awaited. Further developments of the case may be awaited.

4. The Mun Comr suggests that the proposed Rule 14. of the Mun Regn (which of late years was found hindering) may be amended. This is under the consideration of the Govt, Legislative Section.

RG
16/12/22

5. So far as can be made out from the materials now placed before Govt the Order of the Dy Comr appears to be correct. The ~~Dy~~ Mun may be requested to forward a copy of the Govt Advocate's opinion and further action taken as necessary.

Govt Member 13/1/23

NOTE—Contn. sheet.

P.T.O.

1312 (3

G. R. S. III-2

General and Revenue Secretariat. | Revenue File No. 266 of 1922

Serial No.

5044-538.
19.12.22.

Person. This is one of several cases of the kind. Further developments may be awaited. There is no doubt that there is some conflict between the C.C's Notification of 1877 & the terms of Sec 16 of the Revenue Regn. I think it wd be best to await the decision of the Ch. Ct. in a case which goes up both in appeal. Meanwhile where there is conflict the Revenue Regn should be guided by the terms of the C.C's circular of 1877.

Rent
28.12.22 - 26/12/22

Dy. Secy.
M
3-1-23 3/1/23

S. Desai
A. 3/1/23

2 No 2033 of 11.1.23 to Land Revenue Commr.

Requests him to send to this office a Copy of Govt. Advocate's opinion in the matter

Secy

NOTE—Contn. sheet.

(4

G. R. S. III-2)

General and Revenue Secretariat.

Imug File No. 66 of 1922

Serial No.	
3	From, the Imug. Comm Letter no. C. 645 Dy 21.2.1923. forwards a copy of the Govt Advocate's letter giving his opinion in the matter. 9. Submits. M 23.2.23. BG 24/2/23
	10. If a Govt is filed the Dist. may get a written statement prepared by the Public Prosecutor, Jaffna and send it forwarded & Govt for approval. First Member U/ 24/2/23
7032-723 26.2.23	11. The G. A's opinion does not materially differ from the view expressed in my minute of 28.12.22. The M.C. may be asked to instruct the D.C. as suggested by the Ker Secy above. Thu 27.2.23 A/27/2/23
A/27/2	12. Draft minute [illegible] [illegible] BG 28/2/23 13 [illegible] U/1/3/23

NOTE—Contn. sheet.

D 1724

G. R. S. III-21

General and Revenue Secretariat. | File No. 266 of 1922

Serial No. 4

No. 2412 & 2723 to the Mys. Consr.

Strikes me the D.C. may be instructed to get a draft written statement prepared by the Public Prosecutor, Mysore, if a suit is filed and forward it for approval.

D 1724.

From the Mys: Consr., letter no. C. 445 & 5/3/23.

Forwards copy of letter from D.C. Mysore stating that Kesavieyar has filed a suit against him in the Dist Judge's Court, Mysore and requesting formal sanction to the Public Prosecutor, Mysore, for defending the case.

14. Draft sanctn is put up for approval or other orders. The hearing of the case is reported to have been posted to the 14th instant.

6-3-23 6/3/23

15 6/3/23

16. Sanction proposed

9. 3. 23 17

7247-120
7.3.23

NOTE—Contn. sheet.

(vide R.&S. III-2)

General and Revenue Secretariat.

File No. 266 of 1922

Serial No.	
6	No 2475-7 dt 9.3.23 fr the Mun. Comm., Cmpbn., & encl d.c. of 2nd inst- Sanctions and Services of the Public Prosecutor to Conduct the Case-
7	From the M.C., letter no.C.445 of 22-3 dt 27-4-23

In reply to Sl 4, forwards a draft written statement recd from the D.C. Nyporo.

18. The D.C. in forwarding the draft written statt prepared by the Public Prosecutor, requests that the statt may be returned to him before the 14th May for being filed in the Dist Court. He has also sent the Plaint copy for refee & return-

19. Subd for orders as to whether the draft written statt may be sent to the Govt Advocate for his opinion, as to whether it is suitable-

SD 20.4.23 A Mayer Crim Mun Comm 21/4/23

NOTE—Contn. sheet.

(1047)

G. R. S. III-2]

General and Revenue Secretariat.

Muz File No. 266 of 1922

Serial No.

39126

11. Forwarded, with compliments, to the Government Advocate for opinion as to whether the draft written statement in the case is suitable. I would suggest the addition of a para under Sec 225, C.P.C. Code.

8 May 23

U. Ghattak Offg.
Secretary to Govt.
Rev: Deptt.

22. I have gone through the plaint and the draft written statement.

23. In para 2 of the plaint the plaintiff tries to set up a case of permanent tenancy. It would be better to expressly deny such a right. This may be done by adding the following to para 2 of the written statement:- " This defendant also denies the right of permanent tenancy set up by the plaintiff in para 2 of the plaint"

24. In para 3 of the statement the following may perhaps be added:- " The action taken by this defendant is quite legal and valid and cannot therefore

Rg 165/Gyr-23
By 5. 5. 1923.

DEPTT. 16 MAY 1923

GEN. & REV. SECRETARIATE 7-MAY 1923 MUZRAI

NOTE—Contn: sheet.

G. R. S. III-2]

General and Revenue Secretariat.

Mug File No. 266 of 1922

Serial No.

be interfered with".

25 I am not sure if S. 225 of the Land Revenue Code can be pleaded as a bar to the suit as the plaintiff had apparently filed an appeal. If no appeal had been filed before Government. an objection might however be taken under S. 215.

26. In all cases respects the written statement is quite all right.

W Shanbhag
Govt. Advocate
3/5/23.

27. Please put up the plaint with the original application

AV 4/5/23

28. A typed revised written statement is subd.

SD 12/5/23

29. The D.C. wants the statt to be rest. before the 14th inst.

SA 12/5/23

NOTE—Contn. sheet.

R. S. III-2]

General and Revenue Secretariat.

Mrg File No. 266 of 1922.

Serial No.	
	30. A draft written for approval by the Govt advocate is put up.
9339-391. 12.5.23.	First Member) 12/5/23
	Seen. Further action may be taken in the manner. 13/5/23 13/5/23
	Draft returning the written statt, as revised, is put up. 14/5/23 14/5/23
	Secy to Govt. 14/5/23
8	No. 2793 of 14.5.23 to Govt Mem. Comm. in Engd. Returns the draft Stt. as revised by Govt Advocate.

NOTE—Contn. sheet.

2506

DC 445 of 22-23
Sec 4

Office of the Muzrai Commissioner in Mysore,
Dated, Bangalore, the 12th December 1922.
14th

From

K.R. Srinivasiengar, Esq., M.A.,
Muzrai Commissioner in Mysore.

16 DEC 1922

To

T.E. Jayarama Aiyar, Esq., B.A., B.L.,
Secretary to the Government of His Highness
the Maharaja of Mysore, Revenue Department.

REVENUE SECRETARIAT 1312 MUZRAI 22-23

Sir,

I have the honor to forward herewith copy of Mysore District Deputy Commissioner's letter No.Ref.238/22-23 dated the 17th October 22 bringing to notice that one Kesaviengar of Pinaiganavale, Nagamangala Taluk, has issued him a notice of filing a Civil Suit against him in respect of an order passed by him with regard to his (Kesaviengar's) claim to certain Devadava Inam lands endowed to Sri Garudadevaru at Pinaiganavale and requesting to arrange for the defence of the case in the Civil Court when instituted. The facts of the case are set forth in the accompanying note. With regard to the notice, a copy of which is herein enclosed, I am inclined to think, that the provisions of Section 14 of the Muzrai Regulation are not intended to and cannot over-ride those of the Inam rules prescribing the procedure to be adopted in cases of unauthorized alienations of Devadava Inam lands.

2— Section 14 of the Muzrai Regulation only lays down the powers which may be exercised by the Muzrai Officer under the Regulation in respect of unauthorized alienations and in the absence of anything in the Regulation to show that the provisions of the Land Revenue Code and the Inam Rules are abrogated by the Regulation, it cannot operate so as to take away the jurisdiction of Revenue Officers to deal with unauthorized alienations of Devadava Inams in the manner prescribed in the Inam rules.

P.T.O.

4. [illegible] The Government Advocate has however been written to and his [illegible] A copy [illegible]

[illegible] suggest that the desirability [illegible] the Rural Regulation may [illegible] the [illegible] of the Imam [illegible]

[illegible]

Letter No.589 dated 2nd February 1923 from the Government Advocate, to the Muzrai Commissioner in Mysore:--

---

"With reference to your letter No.C.445/22-23 dated 12/14th December 1922, I have the honor to state that under the circumstances referred to in the letter there is no option but to defend the case in Court, should the party decide upon filing a suit.

It is rather unfortunate that there should be some conflict between the provision to Section 14 of the Muzrai Regulation and the terms of the Notification of Government in regard to the resumption of alienated Inams which is referred to in Section 274 of the Mysore Revenue Manual. While the former makes an exception in the case of property in the - adverse possession of a party for more than 12 years, the latter insists upon resumption after the usual notice in all cases of alienations made subsequent to the 31st January 1855 without exception.

There is the further question as to how far the Muzrai Regulation can over-ride the terms of a Notification issued under the authority of the Governor General of India - which was in force both at the date of the restoration of the Territories to His Highness the Maharaja in 1881 and at the date of the Mysore Treaty 1913 and which cannot be repealed or modified except with the previous consent of the Governor-General in Council.

There is, however, one point which will perhaps help us in our defence viz., that even under the Muzrai Regulation, the possession that cannot be disturbed under the proviso to section 14 is adverse possession for more than 12 years. In the case under reference, it cannot be said that the possession is adverse against the Institution, as admittedly, some rent, how low so-ever, is being paid by the party, to the institution in the shape of half the cocoanut produce. The Muzrai Officer may therefore, be deemed to have exercised jurisdiction even under Section 14 of the Regulation"

"Copy".

K Mundy

D.V. Muzrai Commissioner.

Letter No. dated from the Muzrai Commissioner in Mysore, to the Government Advocate, Bangalore:--

---

"I have the honor to forward herewith copy of Mysore District Deputy Commissioner's letter No.C.238/22-23 dated the 17th October and of the notice sent to him of Civil Suit proposed to be filed against him by one Kesaviengar of Pindiganavale in respect of the Deputy Commissioner's order dispossessing him of certain Devadaya Inam lands endowed to Sri Garuladevaru temple at the place on the ground of unauthorized alienation.

The facts of the case are detailed in the accompanying note. The aggrieved party's contention is that he has been long in possession of the lands and for this he relies on decisions in 3 Civil Suits. With regard to the question of possession, it is seen that the land came into the possession of the petitioner's family by purchase from one Lavamma in 1876, i.e., subsequent to 1853, This has been treated by the Deputy Commissioner as unauthorized alienation and the case has been dealt with under Section 274, Clause (b) of the Mysore Revenue Manual. In respect of the application of proviso to Section 11 of the Muzrai Regulation re long possession urged by the contending party, I am inclined to think that the provisions of this Section are not intended to and cannot override those of the Inam Rules prescribing the procedure to be adopted in cases of unauthorized alienations of Devadaya Inams.

Section 14 of the Muzrai Regulation only lays down the powers which may be exercised by Muzrai Officers under the Regulation, in respect of unauthorized alienations and in the absence of anything in the Regulation to show that the provisions of the Land Revenue Code and the Inam Rules are abrogated by the Regulation, it cannot operate so as to take away the jurisdiction of Revenue Officers to deal with unauthorized alienations of Devadaya Inams in the manner prescribed in the Inam Rules.

I request to be favoured with your views in the matter and

P.T.O.

and also how far the Civil action proposed is sustainable."

"Copy".

for Muzrai Commissioner. 13/12 for

D.N.

Subject:--

Claim$ of Mr.N.Kesaviengar of Bindigana vale, Nagamangala Taluk, to certain Devadaya Inam lands endowed to the temple of Sri Garuda Devaru at Pindiganavale, Nagamangala Taluk.

The *marginally noted Inam lands endowed to the temple of Sri Garudadevaru and shown as Devadaya in the Inam register are stated to have come to the possession of one Tarikere Garudachar, maternal grant-father of the present claimant from Lakshmamma through a sale deed dated 27th June 1870. Garudachar who died in 1896, appears to have willed out these lands in favour of his daughter who is also since dead and her son the petitioner now contends that the lands are his properties and the temple can have only half of the produce of the cocoanut trees in the garden. The number of the cocoanut trees is stated to be dwindling as greater attention is being paid to more renumerative crops such as sugarcane etc., and consequently the income of the temple in this respect has much decreased.

* No.177 dry a-16 0- 4- 0 } 19-0-0
garden 3-16. 18-12- 0 }
No.174 dry a-7 1-12- 0 } 16-0-0
garden 2.35 14- 4- 0 }

The present dispute arose in 1909 when Archak Alasingabhatta complained to the Deputy Commissioner that even the Rajpal of the cocoa nut produce was not paid by the heirs of the deceased Garudachar and prayed for the resumption of the lands and restoration to the temple. After enquiry both by the Amildar and Sub Division Officer and much correspondence, and in consultation with the Inam Superintendent who opined that the Inam

P.T.O.

Inam lands in the possession of alienees were governed by rules framed and printed in pages 619 and 620 of the Mysore Revenue Manual (old edition), the Deputy-Commissioner ordered the resumption of the lands The lease of the lands was sold in auction to one P.Krishna Iyengar for Rs.285/- per annum. Thereupon on 31st August 1920 the petitioner sent a notice through his lawyer both to the Amildar and Sub Division Officer that their action was unwarranted and to forbid all further attempts to take forcible possession of the lands. The alienees not having easily surrendered possession of the lands in spite of notice under Section B (page 620 of the Revenue Manual), the Sub Division Officer submitted the records to the Deputy Commissioner soliciting instructions. The Inam Superintendent was again consulted and he said that the case was governed by clause P of Note No.2bo dated 17th November 1877. The lands were ordered to be resumed and the sale confirmed by the Sub Division Officer in his order of 3rd April 1922.

The petitioner having appealed to the Deputy Commissioner against this order, the Deputy Commissioner ordered that the alienation was made subsequent to 1853, the only argument raised by the petitioner in his favor is that he has been in adverse possession for more than 12 years - Section 14 of the Muzrai Regulation but cases of this sort must be governed by Section 274, caluse (b) of the Mysore Revenue Manual and that therefore he would not interfere with the Sub Division Officer's order and dismissed the appeal.

The petitioner who was actually dispossessed of the lands from 1st June 1922 now seeks another course for redress by threatening to take action in a Civil Court against the Deputy Commissioner and issues a notice dated 9th October 1923 through his lawyer. In the notice, the petitioner relies upon decisions in three Civil suits, viz.,

(a) O.S.256 of 1867, Sub Judge's Court, Mysore,
(b) O.S.469 of 12-13, Munsiff's Court, Seringapatam, ~~Mxxxxx~~
(c) R.A.No.12 of 19-30, Sub Judge's Court, Mysore.

As seen from the preamble to the Deputy Commissioner's order, O.S.No.256 of 1867 pertains to the application filed by the late Garudachar in the Mysore Sub Judge's Court against the archaks when he was dispossessed of the lands on his failure to pay the fixed rent due. In the Sub Judge's decision in this case, he is stated to have discussed at length Garudachar's title to these lands and opined that Garudachar had a right to remain in possession so long as he continued to pay the temple its due share, and to remark that the question of Garudachar's title as against the temple did not arise as the Inam Officer was not a party.

No information is available in respect of the other two decisions.

The Deputy Commissioner forwarded a copy of the notice sent to him together with a copy of his order complained against and requested that arrangements may be made to defend the case when it is tried two months hence (as stated in the notice) in consultation

with the Government Advocate.

Letter No.Ref.C.238, of 22-23, dated 17th October 1922, from the Deputy Commissioner, Mysore District, to the Muzrai Commissioner:-

---

"I have the honor to forward herewith for information, a copy of order passed by me on 16th September 1922 in a case relating to the alienation of the *marginally noted Devadaya Inam lands belonging to the Sri Garudadevaru temple at Pindigaravale village, Nagamangala Taluk.

2. In this connection I wish to state that the counsel for the alienee has issued me a notice dated 9th October 1922 stating that he would file a suit against me under Section 80 of the Civil Procedure Code for the possession of the aforesaid lands and for loss and damage.

A copy of notice is also sent herewith for perusal. I request that arrangements may kindly be made to defend the case, if it is instituted, in consultation with the Government Advocate."

*

Taluk.	Village.	S.No.	Garden Assessment A. G.	Rs. A. P.	Dry Assessment A. G.	Rs. A. P.
Nagamangala	Pindigaravale	174	2 35	14 4 0	2 7	1 12 0
-do-	-do-	177	3 16	18 12 0	0 16	0 4 0
	Total		6 11	33 0 0	3 23	2 0 0

"Copy".

H. A. Ramanuja Iyengar
Muzrai Commissioner.

D.N.

Notice No.149 dated, Mysore, 9th October 1929, from P.G. Ramanujiengar, B.A., B.L., Advocate, to the Deputy Commissioner, Mysore.

Under instructions from my client, M.K. Lakshmi, wife of M.Krishniengar, residing in Pindiganavale, Nagamangala Taluk, I have to give you the following notice in accordance with Section 80 of the Civil Procedure Code.

Tamleree Carmichael, who was residing in Pindiganavale up till his death and his predecessors in title were the owners of S.No.177 and 178, which are garden lands, in Pindiganavale from time out of memory, subject only to the annual payment of one-half of the coconut produce of those garden lands to the Circar or Sirkar now. His access on in title viz., his wife Thamma, then his daughter's son, my client, were in possession and enjoyment of the very same rights up till now viz., 30-4-1929, when my client was unauthorizedly dispossessed of those garden lands in pursuance of an order issued by you on the application of one Nagamma Patela in about 1909. There is strong evidence oral and documentary forthcoming to prove - the right of my client as above stated and the rights of my client have been upheld in a series of cases in the Civil Courts viz.,

(a) O.S.250 of 1907, Sub Judge's Court, Mysore,

(b) O.S.408 of 1914-15, Munsiff's Court, Nanjangud,

(c) R.A.No.12 of 1919-20, Sub Judge's Court, Mysore.

My client will therefore file a suit against you in the proper court for the possession of those lands and for mesne-profits which may go up to rupees five hundred per year on the average and for costs and for such other relief as the circumstances of the case may require, after this notice has been delivered to you or left at your office."

"Copy".

M.K. Ramaswamy
Mysore Commissioner.

D.M.

Regd.

Muz 4]

SUBJECT ....

.. ..

... .

Diary No. of letter replied to .....

Muzrai Secretariat

( )

, the 192 .

Section

File No.

Serial No.

No. 2032.

Date of issue 11-1-23

To The Muzrai Comr

Signed by Mr T Ejthyar Sir

Advertising to your

Letter no. C. 444 dy 16.12.22

reporting ~~on the Civil Suit~~ about the

~~proposed to be filed in~~

respect of the Inam Land

dy Gauri. Under this

~~Dy~~ of ~~Kesavianga~~ dy in Inam

S. nos. 174 and 179 entered

to Sri Ganesa Temple

Bridgeman [illegible]

over.

Report made by Kesaviangar of Bridgeman vale, Nagamangalam Taluq. regarding the institution of a Civil Suit by him

Nagamangala Taluk, I am
directed to request that you
will be so good as to
furnish the Govt. a copy of the
Govt. Advocate's opinion in the matter
which has been called for
by you. ~~In the matter~~ (and to state that
~~urgent~~)
Your suggestion about the desirability of
amending, if not deleting
Sec. 14 of the Mys. Rent,
~~I am to observe that~~
there is no doubt that
there is some conflict
between the Chief Comr's.
Notification of 1877
and the terms of Sec. 14
of the Inamdar Regn, ~~Act~~ but
Govt. consider it best
to await the decision
of the Chief Court
in a case which goes
up to it in appeal.

List of enclosures

Copied by

Examined by

WD 056J—GPB—2 500—27 7 22

G. R. S. G/33]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

~~I am to state that~~

~~by the~~ meantime where there is conflict, the Inez. Do. [illegible] will be guided by the terms of the chief comm's. circular of 1877.

[illegible]

[illegible] 3/1/23

[illegible] Rev. [illegible]

[illegible] 8/1/23

WD 2230—GPB—1,00,000—23 7·20

C 4459 22-23

Office of the Wurri Commissioner in Yuro,

Dated, Bangalore, the 20th February 1923.

21st

D 1661
Mutz Branch
22-2-23

From

M. Chandra Mouli, B.A.,

Wurri Commissioner in Yuro,

Bangalore.

To

R. H. Hamilton Aiyar, Esq., B.A., B.L.,

Secretary to the Government of His Highness

the Maharaja of Yore, Revenue Department,

Bangalore.

Sir,

With reference to your letter No. 207/Mu.203-20-3 dated the 11th January 1923 in re the appointment of Rao Bahadur Aryan, Retired Wurri Commissioner at Bindiganavile in the Nagamangala Taluk, I have the honour to forward herewith, as asked for, a copy of the Government Orders' letter No. 700 of 1900 dated 15th October 1900 in the matter.

The points raised in para 3 of the Government Orders' letter are for the consideration and orders of Government.

I have the honour to be

Sir,

Your most obedient servant,

K. Chandra Mouli

Wurri Commissioner

Mch

Muz 4]

SUBJECT..... ....

....

....

Diary No. of letter replied to 1661

Section

File No. 266

Serial No. 1922 54

Muzrai Secretariat

( )

, *the* 192 .

No. 2412

Date of issue 3/3/-23

To

The Muzrai Comr

Signed by Mr D C Subbarayappa

Sir,

I Adverting to Correspondence ending with your letter No C.445 Dy 21-2-1923 re the possession of inam S. Nos. 174 and 177 Ardavar in Sri Gandadamma at Bridigapadu and to the Rajah of ...

over.

Copy 1/3/23

that if a suit is filed,
the Dy. Com'r may be
instructed to get a rough
written statement (copy)
prepared by the Public
Prosecutor. They can, and to forward it
~~to have it forwarded to the Commr &~~
~~Govt~~ for approval.
~~and again communicate~~

Ufr 15/2/23

RK 28/2/23

List of enclosures

Copied by

Examined by

WD 0563—GPB—2 500—27 7 22

D 1724
Muz. [illegible]
6-3-23

Office of the Muzrai Commissioner in [illegible]

Dated, Ban[illegible], the 3rd [illegible] 192[illegible]

Muz 266-22-5

From

[illegible] Chandy, Esquire, [illegible],

Muzrai Commi[illegible]ioner in [illegible].

B[illegible].

To

[illegible]

ecret[illegible] to the Governme[illegible]

the [illegible] of [illegible],

[illegible].

6 - MAR 1923

ST
6/3/23

Sir,

In con[illegible] of [illegible] office [illegible] in re [illegible] and 17[illegible] Tal[illegible] d[illegible] [illegible] 192[illegible] [illegible] Forest [illegible] [illegible].

The [illegible] 14 [illegible] [illegible]

[signature]

D.[illegible]

Letter No. C.379/22-23 dated 20th February 1923 from the Deputy Commissioner, Mysore District, to the Asstt. Commissioner:--

---

"With reference to your letter No.C.4 5/22-23 dated 20/1 February 1923, I have the honor to inform you that one Iyengar has actually filed a suit against the Govt. for a decree in the District Judge's Court, Mysore, under O. 7 R.2/C.P.C. for the recovery of the possession of lands Survey Nos.1 4 and 177 of Bannimantale village, Periyapatna Taluk belonging to Govt. Due to delay in the office, it was ordered that the said Govt. lands may be given to Venkatavaradha Iyengar, (vide this office order No. 7L .22/23-24 dated 16th September 1922 already sent) and for the said grant a

I received minor oral order before stated of the copy of the plaint. A copy of the same is also enclosed for information. The case lands mentioned in the said plaint are Govt. property. I have also asked the Public Prosecutor to depute one of his Assistants to watch the proceedings in this connection.

The connected records relating to the said Govt. lands may be placed in the hands of the Public Prosecutor to enable him to take necessary steps. I have also received a copy of the counter Advocate's letter C.500 dated 6th February 1923 addressed to you and received in this office under reference".

"Copy".

For Asstt. Commissioner. 8/2/23

OT.....

.....

.....

Diary No. of letter replied to..... 1724

General and Revenue Secretariat

(Mys)

, *the* 192 .

Date of issue.... 9.3.23

Signed by... Mr T.E.J Aiyar

Section

File No. 166-22

Serial No. 56

Proceedings of the Government of His Highness the Maharaja of Mysore

Read— Correspondence endg with letter No. C 445 of 22 13 & 5.3.23 from the Mysore Commr in Mysore ~~Sequestration~~ stating that ~~the~~ Bindiganavale Keshava Iyengar has filed a suit against the Dy: Comr, Mysore Distt. in the Distt Judges Court, Mysore, in the matter of his Order Thereon No. claim to S. Nos 174 & 177 endowed to Sri Lakshmidevamma at Bindiganavale in the Nagamangala Taluk, that the hearing of

May this be

i Printed ?

ii treated as a standing order ?

iii published in the Gazette, English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette, Kannada Part ?

9/3/23

of the case has been posted
to the 14th instant; and requesting
sanction to engage the services
of the Public Prosecutor, Mysore,
for defending the case -

Order:- 2475-7 dt 9.3.23
Mur 266-22-5

Sanctioned.

6/3/23
Secretary

9.3.23

82c
6/3/23

Rev: Deptt

6/3/23

To

The Mag: Courts in Mysore
" Dy: Courts, Mysore Dt
" Commr for Hol[illegible]

the nec. steps is requested)

List of enclosures.

Copied by

Examined by

WD 1998—GPB—1,000,00—21-12-21

Encl. two.

Office of the Muzrai Commissioner in Mysore

Dated, Bangalore, the 27th April 1923.

28 D 2067

From

K. Chandy, Esquire, B.A.,

Muzrai Commissioner in Mysore,

Bangalore.

SECRETARIATE
30 APR 1923
MUZRAI

Muz
29 APR 1923

To

266-22-7

ST
30/4/23

T.E. Jayarama Aiyar, Esq., B.A., B.L.,

Secretary to the Government of His Highness

the Maharaja of Mysore, Revenue Department,

Bangalore.

Sir,

With reference to your letter No.2412/Muz.266-22-5 dated the 3rd March 1923 calling for a draft written statement to be filed by the Deputy Commissioner, Mysore District, in the suit against him by Kesavienar for the possession of Inam lands - endowed to Sri Garudadevaru at Pindiganavale, Naganangala Taluk, I have the honor to forward herewith the draft statement received with the Deputy Commissioner's letter No.Ref.C.238 dated 25rd April 1923, copy of which is herein enclosed.

2. The plaint copy is also submitted herewith.

I have the honor to be,

Sir,

Your most obedient servant,

K Chandy

Muzrai Commissioner.

D.N.

Letter No.Ref.C.238 of 22-23 dated 23rd April 1923, from the Deputy Commissioner, Mysore District, to the Muzrai Commissioner in Mysore:--

- - - - - - -

"Referring to the correspondence ending with your letter No.C.445/22-23 dated 7th March 1923, I have the honor to forward herewith a draft written statement prepared by the Public Prosecutor and received with his letter No.361 dated 20th April 1923 in answer to the plaint in O.S.No.20/22-23 filed by Kesava - Iyengar for the possession of the Inam lands survey Nos.174 and 177 belonging to the Sri Garuda Devaru temple at Tindiganavale, Nagamangala Taluk, with a request that you may be so good as to obtain the approval of Government thereto. Any alteration or modification that may be deemed necessary may be made, and the statement returned to me before the 14th May next, for being filed in the District Court. The Court reopens on 14th May 1923.

2. The statement seems to be suitable.

3. The plaint copy is also sent along with this, for reference and kind return."

- - - -

Copy.

for Muzrai Commissioner. 27/4/23

D.N.

Muz 4]

SUBJECT.....

Diary No. of letter replied to 2047

Section Muz

File No. 266-22

Serial No. 8

Muzrai Secretariat

(Muz)

, *the* *192* .

No. 2793

Two

Date of issue 14-5-23

To

The Muzrai Comr in mys.
Bangalore.

Signed by Jun. TEJ Rajan

Sir,

With reference to the correspondence ending with your letter no. C. 445 of 22-23 & 28.4.23 forwarding for approval a draft written statement ~~in the~~ for being filed in the Distt court in the suit against the Exy: Comr, Mysore Distt by Kowrinja

over.

14/5

of Bindiganavale, for
possession of the inam lands
endowed to Sri Garudadevaru
at Bindiganavale, Nagamangala Taluk,
I am directed to return
herewith the statement
as revised by the Govt. Advocate.

2. The plaint copy is also
ret'd herewith.

I have etc
Sd/- [illegible]
Secretary
Rev: Deptt

SD
16.5.23

SD
14/5/23

List of enclosures

Copied by

Examined by

WD 0563—GPB—2,500—27 7 22

In the Court of the District Judge, Mysore.

O.S. No.20 of 1922-23.

Plaintiff		Defendants.
N.Keshaviengar	Vs.	1st Deputy Commissioner Mysore and another.

1st Defendant's written statement.

I. That the suit lands Nos. 174 and 177 are Devadaya Inam garden lands endowed to the temple of Sri Vinateyaswami at Bindiganavale, Nagamangala Taluk.

II. That this defendant is not aware of the arrangement or agreement which is alleged to have existed between the Archikas on the one hand and the ancesters of the Plaintiff on the other. This defendant was not a party to any of the litigations referred to in para. 2 of the plaint and the decisions passed thereon do not in any way, bind this defendant. This defendant also denies the right of permanent tenancy set up by the plaintiff in para. 2 of the plaint.

III. That when the affairs of the temple werescrutinised, it was found that the suit gardens had wantonly been caused to deteriote in value and circumstances warranted the restoration of the endowed lands to the temple. Accordingly action was taken under clause B of Notification No.266 dated 17-11-1877, with the result that a notice to quit was given to plaintiff's father on 23-7-1920 and to plaintiff on 22-12-1920. As plaintiff would not surrender the garden lands to the temple, on consultation with the Inam Superintendent in Mysore, the said lands were resumed and permission thereof given to 2nd defendant who brought the right to cultivate at an open sale, in consideration of paying Rs. 285/- per annum to the temple.

The

The action taken by this defendant is quite legal cannot therefore be interfered with.

IV. The sum of Rs. 500/- claimed by plaintiff as mesne profits per annum is exorbitant.

V. The plaintiff is not entitled to any of the reliefs claimed in the plaint.

VI. The Suit is not maintainable under Sec.225 of the Land Revenue Code.

For reasons aforesaid amongst others this defendant prays that the suit may be dismissed with costs.

Facts above submitted are true to the best of my knowledge and belief.

approved.
Mukhtiarkar
Govt Advocate
12/5/23.

12/5/23

WD 0563—GPB—2,500—27-7-22